

**Preparatory Commission for the
International Criminal Court**

27 September 2001

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**Statement by the Minister for Foreign Affairs of the
Kingdom of the Netherlands, Jozias J. van Aartsen,
presented during the eighth session of the Preparatory
Commission on 25 September 2001**

Thank you for offering me the opportunity to address the Preparatory Commission today. The current session of the Preparatory Commission is taking place in a particularly harrowing period. New York was shaken on its foundations less than two weeks ago, by the evil powers of terrorism. The world shook with it. Only slowly are we coming to grips with this barbaric attack on our shared values of liberty, democracy and justice. We emerge more convinced than ever of the need to strengthen the international legal order and the fight against universal crimes. Where better to begin our renewed effort than in that same city of New York?

As we stare at the images of destruction and grief, we are reminded of the great courage and compassion of those who came to the rescue. In particular, the New York City firefighters and the New York City police officers deserve our profound respect. They have truly risen to the occasion.

While those brave men and women work in the debris not far from here, we must show the same determination in building a strong international legal order. More than ever, the importance of the International Criminal Court (ICC) is clear to us all. Perpetrators of horrendous crimes such as those that were committed here must be brought to justice. Universal crimes demand a universal answer.

I have been closely monitoring the developments in the Preparatory Commission over the past few years and I am impressed with its results. Your commitment to this process, Mr. Chairman, has been crucial to the success of the negotiations.

Following the conclusion of the Rome Conference in July 1998, the particularly difficult negotiations on the Rules of Procedure and Evidence and the Elements of Crimes took up a lot of time at the Preparatory Commission. We have now entered a new phase of the negotiations. We are on a fast track towards the actual establishment of the Court at The Hague.

Instruments of ratification have been deposited with the Secretary-General at a much faster pace than was anticipated, and many more are in the pipeline. The



Kingdom of the Netherlands deposited its instrument of ratification on 17 July, the third anniversary of the adoption of the Statute in Rome. By all reasonable accounts, we can expect the sixtieth ratification well before the summer of 2002. That will serve as an incentive to finalize all outstanding issues in the Preparatory Commission within the current session of the General Assembly.

And yet finalizing the current outstanding issues is only one of our responsibilities! Most importantly, the Preparatory Commission, and specifically the States that have ratified or will ratify the Statute, have to help jump-start the Court. Being a treaty organization, unlike the International Tribunal for the Former Yugoslavia, which is a United Nations organization, the Court will start its operations from scratch. It is neither possible nor even desirable for us to plan out every detail of the Court's future, but we must ensure through meticulous planning that the Court will be in a position to carry out its work from the very start. The Court must truly become the kind of credible new institution we all want it to be from its inception. That is imperative. Let me reiterate that the Netherlands Government will do its utmost to assist the Preparatory Commission and its Bureau in planning the phase that will follow the sixtieth ratification.

Now, what about our national preparations as the future host State for the Court? Let me first of all assure you that my Government's commitment to the ICC is complete. Both houses of parliament unanimously support our role as host nation. Hosting international judicial institutions is a long tradition of which we in the Netherlands are proud. The Netherlands has gained a wealth of knowledge through its specific and unique experience since the establishment of the Yugoslavia Tribunal. We gladly use this expertise in our preparatory work.

Let me give you some details on the state of our preparations. First of all, to tackle the many issues involved I have decided to expand the ICC task force: a total of 10 officials have now been committed to the ICC project, by me and by several other government ministries and agencies. Shortly, the Netherlands will appoint a senior official as the head of that task force, with the status of Director-General.

As for the future premises of the Court, you will be aware that the Government took a decision last June on the site for the permanent premises. It has secured the best available location for the Court. This prime site has long been in use by the military and is ideal from a security and transport perspective. The army barracks there will make way for the seat of the Court's headquarters.

The Government, in cooperation with the municipal authorities of The Hague, is preparing an international architectural competition for the design of the permanent ICC buildings.

All efforts will be made to construct a seat which will be as worthy of the Court as it will be practical. It will comprise some 30,000 square metres of office space, courtrooms, service areas, areas for the public and detention facilities. Construction should be finished by 2007.

That time frame made it imperative for my Government to decide on *interim arrangements*. I am pleased to announce that, after careful reflection of the Court's needs, we have found a building that meets every one of them. What is more, it will be available from the very first day of the Court's existence. It will be financed by the Netherlands Government in accordance with The Hague bidbook, on which the Rome Conference based its decision on the ICC headquarters.

For the temporary premises alone, the Netherlands will spend more than 33 million euros, approximately 10 million of which will be invested in the interior layout and design, including the courtroom. The building is located opposite the International Tribunal for the Former Yugoslavia, and at 12,000 square metres, is spacious and flexible enough to serve the purposes of the court from day one. Special attention will be given to security measures. In order to facilitate the smooth start of the Court in its first year, we will also provide for office furniture and equipment for up to 100 officials and staff members.

As Ambassador van den Berg stated in his letter of 20 July 2001 to the United Nations Legal Counsel, the Netherlands Government feels a special, but by no means exclusive, responsibility for the effective functioning of the Court. My Government is therefore willing to contribute financially to the initial meetings of the Assembly of States Parties and its Bureau. A further decision on the exact amounts that we will be able to contribute will be taken on the basis of an agreed budget, once the political parameters have been assessed. You can count on us. In any case the Netherlands will fully finance the meeting for the Inaugural Meeting of the Court, which will take place at The Hague.

The Netherlands takes its responsibilities as host country of the ICC seriously. Preparations for its establishment there are well under way. However, we need input from many sides, that is to say, from you Mr. Chairman, and the other members of the Bureau, as well as the ratifying States, experts and NGOs. We hope to get clear indication from the Preparatory Commission on the time schedule to be followed in order to best facilitate the establishment of the Court. Therefore close consultation and cooperation among all the parties involved is of the essence. It is quite obvious that there are limits to what the host nation can do on its own.

The weighty responsibility for getting the Court off to a successful start rests on all of our shoulders, and in particular, Mr. Chairman, on yours.

We view the rapid establishment of the ICC as a fundamental way to enhance respect for international law and human rights. The Court will be a powerful instrument in the fight to bring to justice those who have committed or instigated atrocities. It will strengthen the primacy of law and contribute to global peace and security.

The importance of the ICC cannot be overstated. It is the road to justice that we are helping to pave.



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Zambia	Ms. Petronella Mwitwa- Ngulube		

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<i>Organization of African Unity</i>	Mr. Abdoulaye Maiga Mr. Martin A. Ewi
<i>Organization of the Islamic Conference</i>	Mr. Ahmad Hajihosseini
<i>Other interested international bodies</i>	
<i>International Tribunal for the Former Yugoslavia</i>	Mr. Hans Holthuis
<i>International Criminal Tribunal for Rwanda</i>	Mr. Adama Dengk
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<i>International Committee of the Red Cross</i>	Mr. Daniel Helle Mr. Gabor Rona
<i>United Nations programmes and bodies</i>	
<i>Office of the United Nations High Commissioner for Refugees (UNHCR)</i>	Ms. Minna Schrag
<i>United Nations Children's Fund (UNICEF)</i>	Mr. Bert Theuermann Mr. Valentine D'Angelo Ms. Gloria Feijoo Ms. Stephanie Schwarz Ms. Barbara Bedont
<i>United Nations Transitional Administration in East Timor (UNTAET)</i>	Ms. Sylvia de Bertodano

Non-governmental organizations participating in the eighth session of the Preparatory Commission for the International Criminal Court pursuant to paragraph 7 of General Assembly resolution 53/105 of 8 December 1998

Action pour le Developement de l'Afrique a la Base
 African Network of Journalists for ICC
 Afronet Zambia
 American Bar Association
 American NGO Coalition for the ICC
 Amnesty International
 Arab Centre for the Independence of the Judiciary
 Asian Crime Prevention Foundation
 Asian Human Rights Commission
 Asian Network for the ICC
 Association Internationale de Droit Penal
 Association Nationale pour la Communication et l'Education aux Droits de l'Homme
 Association Panafricaine Thomas Sankara
 Asociación Pro Derechos Humanos - FIDH
 Canadian Network for an ICC
 Caribbean Association for Feminist Research and Action
 Carnegie Council
 Case de Santé et Environnement pour la Promotion des Droits de l'Homme (CASEN-PDH)
 CASEN-Cameroon
 Congolese NGO Coalition for an International Criminal Court
 East Africa Human Rights Network
 European Law Students Association
 European Union
 Fellowship of Reconciliation
 Femmes et Enfants pour les Droits de l'Homme, Cameroon
 Ford Foundation
 Forum Asia
 Human Rights Monitor
 Human Rights Watch
 Independent Student Coalition for the International Criminal Court
 Institute for Environment and Development Studies
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 International Association of Democratic Lawyers
 International Association of Lawyers
 International Association of Penal Law
 International Center for Criminal Law Reform and Criminal Justice Policy
 International Committee on Offensive Microwave Weapons
 International Criminal Defence Attorneys Association
 International Criminal Law Society
 International Federation of Human Rights Leagues
 International Federation of University Women, Geneva

International Institute for Higher Studies in Criminal Sciences
 International League for Human Rights
 International Society for Human Rights
 Irish Centre for Human Rights
 Lawyers Committee for Human Rights
 Lawyers Rights Watch Canada
 Lawyers' Committee for Nuclear Policy
 Legal Aid Society, Uzbekistan
 Ligue Itkea Burundi
 Lutheran Office for World Community
 MacArthur Foundation
 Mexican Coalition for the ICC
 Mizan: Law Group for Human Rights
 Movimento Nacional de Dereitos Humanos do Brazil
 Movimento Nacional de los Dereitos del Hombre
 Nizhny Novgorod Province Society for Human Rights
 No Peace Without Justice
 Organization Nationale de Droits de l'Homme
 Pace University Law School
 Paris Bar Association
 Parliamentarians for Global Action
 Philadelphia Bar Association
 Project on International Courts and Tribunals
 Redress
 Rights and Democracy
 South Africa Human Rights Network
 Togo Juris Club
 Transnational Radical Party
 Traumatic Stress Studies
 Unitarian Universalist United Nations Office
 United Families International
 United Nations Association for the USA
 University of Botswana
 UP-UNION Pour le Progrès
 War Crimes Research Office, Washington College of Law, American University
 Women's Caucus for Gender Justice
 Women's International League for Peace and Freedom
 World Federalist Movement